

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Public Notice

January 9, 2020

NOTICE OF PROPOSED PROGRAM CHANGES TO THE SAN FRANCISCO BAY SEGMENT OF THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

San Francisco Bay Plan Amendment No. 1-17 Amending the Bay Plan to Address Fill for Habitat and San Francisco Bay Plan Amendment No. 3-19 Amending the Bay Plan Maps to address the Middle Harbor Enhancement Area

Pursuant to the Coastal Zone Management Act regulations, 15 C.F.R. § 923.81(e), the San Francisco Bay Conservation and Development Commission (the Commission) has submitted to the Office for Coastal Management (OCM) of the National Oceanic and Atmospheric Administration (NOAA) proposed program changes to the federally-approved coastal management program for the San Francisco Bay segment of the California coastal zone. The Commission is requesting concurrence of OCM for amendments to the San Francisco Bay Plan (Bay Plan), adopted by the Commission, pursuant California Government Code Section 66652, as Bay Plan Amendment No. 1-17, to address fill for habitat, and Bay Plan Amendment No. 3-19, to address the Middle Harbor Enhancement Area.

Specifically, on October 3, 2019, the Commission amended the Bay Plan as follows:

- 1) Amended the Bay Plan Major Conclusions and Policies;
- 2) Amended the Bay Plan Fish, Other Aquatic Organisms, and Wildlife findings and policies;
- 3) Amended the Bay Plan Tidal Marshes and Tidal Flats findings and policies;
- 4) Amended the Bay Plan Subtidal Areas findings and policies;
- 5) Amended the Bay Plan Shoreline Protection findings and policies;
- 6) Amended the Bay Plan Dredging findings and policies; and
- 7) Amended Bay Plan Map 4

The California Office of Administrative Law approved the amendments pursuant to California Government Code Section 11354.1 and filed the amendments with the California Secretary of State on December 27, 2019. Thus, Bay Plan Amendments No. 1-17 and No. 3-19 are effective for state permitting purposes.

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The amendments include new and revised findings and new and revised enforceable policies as detailed within the program change submission document available on the [NOAA website: https://coast.noaa.gov/czmprogramchange/#/public/home](https://coast.noaa.gov/czmprogramchange/#/public/home) and the [Commission's website: https://www.bcdc.ca.gov/](https://www.bcdc.ca.gov/).

The incorporation of the amended Bay Plan findings and enforceable policies as part of the Commission's coastal management program will allow the Commission to allow more fill for habitat projects in the Bay in state permitting and federal consistency review processes as provided by 16 U.S.C. Section 1456 and 15 C.F.R. Part 930 Subparts C and D.

The NOAA OCM is reviewing the Commission's request for concurrence that the proposed program change does not require analysis under the National Environmental Policy Act. Comments regarding the incorporation of the proposed program changes to the San Francisco Bay segment of the California Coastal Management Program should be submitted directly to NOAA OCM via the NOAA website listed above or by mail. Please send any written comments to:

Joelle Gore, Chief
Stewardship Division
Office of Coastal Management
National Oceanic and Atmospheric Administration
1305 East-West Highway, SSMC4 N/OCM6
Silver Spring, MD 20910

Comments will be accepted by OCM for three weeks (21 days) following the date of publication of this notice on **January 9, 2020**.